

1 HONORABLE BENJAMIN H. SETTLE
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 SAFETY STAR, LLC, a Missouri limited
liability company,

11 Plaintiff,

12 v.

13 APTIBYTE, LLC, a Washington limited
liability company,

14 Defendant.

15 Case No. 2:23-cv-01399-BHS

16 [PROPOSED] ORDER GRANTING
17 DEFENDANT APTIBYTE, LLC'S
18 REQUEST FOR JUDICIAL NOTICE IN
19 SUPPORT OF MOTION FOR JUDGMENT
20 ON THE PLEADINGS PURSUANT TO
FED. R. CIV. P. 12(c)

21 THIS MATTER came before the Court on Defendant Aptibyte, LLC's Request for
22 Judicial Notice in Support of Motion for Judgment on the Pleadings Pursuant to FED. R. CIV.
23 P. 12(c). Defendant requests that the Court take judicial notice of the following court filings and
24 records of the United States Patent and Trademark Office ("USPTO") submitted in support of
25 Defendant's concurrently filed Motion for Judgment on the Pleadings:

26 Lay Decl. Exhibit	27 Description of Document
28 1	29 Complaint for Trademark Infringement, False Designation of Origin, Unfair 30 Competition, and Tortious Interference With Economic Relations filed by Safety 31 Star on May 15, 2023, in <i>Safety Star, LLC v. Aptibyte, LLC</i> , No. 3:23-cv-05440- 32 DGE (W.D. Wash.) (Dkt. 1)
33 2	34 First Amended Complaint for Trademark Infringement, False Designation of

1	Origin, Unfair Competition, and Tortious Interference with Economic Relations
2	filed by Safety Star on July 28, 2023, in <i>Safety Star, LLC v. Aptibyte, LLC</i> ,
3	No. 3:23-cv-05440-DGE (W.D. Wash.) (Dkt. 15)
4	3 A “Nunc Pro Tunc Trademark Assignment Agreement” for each of the B-SAFE
5	and BSAFE BINGO marks and registrations obtained from the USPTO’s trademark
6	assignment database
7	4 Registration certificate for the B-SAFE trademark obtained from the USPTO’s
8	Trademark Status & Document Retrieval (“TSDR”) database on March 25, 2024
9	5 “Change Of Owner’s Address” submitted to the USPTO in connection with the B-
10	SAFE trademark registration obtained from the USPTO’s TSDR database on
11	March 25, 2024
12	6 Registration certificate for the BSAFE BINGO trademark obtained from the
13	USPTO’s TSDR database on March 25, 2024
14	7 Application to register the BSAFE BINGO trademark filed on June 4, 2018
15	obtained from the USPTO’s TSDR database on March 25, 2024

The Court, having considered Defendant’s Request for Judicial Notice, any response and/or reply, the record herein, and being fully advised in the premises, hereby GRANTS Defendant’s request that the Court take judicial notice of the above-listed documents pursuant to FED. R. EVID. 201 in connection with Defendant’s Motion for Judgment on the Pleadings.

IT IS SO ORDERED.

Dated this ____ day of _____, 2024.

Benjamin H. Settle
United States District Judge

1 Presented by:
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